Remarks:

The present remarks are in response to the Final Office Action mailed April 7, 2009. Currently, claims 1-43 are pending in the present application. Claims 1-33, 35, 37-41, and 43 have been cancelled previously without prejudice. Claims 34, 36, and 42 remain for consideration, but have been rejected under 35 U.S.C. 103(a). Claim 34 is currently amended. No new matter has been added.

2. Claims 34, 36 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,046,249 (hereinafter referred to as "Kawara") in view of U.S. Patent No. 5,214,851 (hereinafter referred to as "Althaus"), and further in view of U.S. Patent No. 4,756,082 (hereinafter referred to as "Apprille") and/or U.S. Patent Publication No. 2004/0035003 (hereinafter referred to as "Stiles")

The Examiner notes "Kawara shows a unitary razor body with all of the limitations as seen in figure 9. The flywheel vibration device (150-152) is in proximity to the blade mount (132). The blade is vibrated along its cutting edge (lines 43-45, column 2)." (See the Office Action of April 7, 2009, p. 2). The Examiner further notes that the present disclosure utilizes a protective sleeve to encase the vibration device, which Kawara does not show. Accordingly, the Examiner notes:

> Kawara's motor and eccentric flywheel are mounted directly in the head region instead of having an intermediate sleeve. However, the use of an intermediate sleeve is well known as shown by Althaus (6). It would have been obvious to one of ordinary skill in the art to have sleeved Kawara's motor and eccentric flywheel, as taught by Althaus, in order to provide a sturdier vibration device that is easier to install.

(See the Office Action of April 7, 2009, p. 2). The Examiner further notes:

> In regards to the added recitation of there being an angle between the head region and the handle region, Examiner takes official Notice that such a feature is ubiquitous in modern razors. Some examples of this are the references to Apprille and Stiles. Additional references can be supplied if needed. It would have been obvious to one of ordinary skill in the art to have further modified Kawara by angling the head region (30) relative to the handle region (10), as suggested by Apprille and Stiles and dozens of other references, in order to create a concavity on the skin-

> facing side of the razor, such that protruding body parts do not interfere with the motion of the handle.

(See the Office Action of April 7, 2009, p. 2). The Applicant disagrees with the present rejection on the following grounds. "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations." (See MPEP 2143).

Claim 34 is not made obvious by Kawara. The deficiency in Kawara is not cured by Althaus, nor is it in conjunction with Apprille, Stiles, or any other additional reference in the same vein as Apprille and Stiles.

Claim 34 is reproduced below in its currently amended form for convenience:

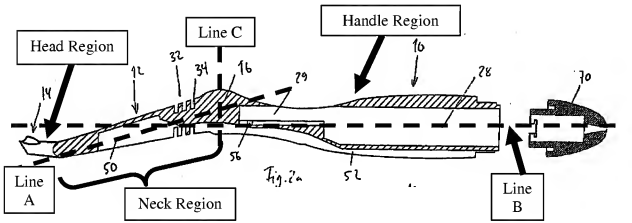
> 34. A razor, in particular for wet shaving, comprising:
> a unitary body having a handle region, a head region and a neck region located between the handle region and the head region, and
> functional components at least partially arranged within the unitary body and comprise an electrically operated vibration device for producing vibrations in the head region and an electrical supply device, having an energy store, for the vibration device, the head region having a holding device for an exchangeable blade element and the vibration device being arranged in the unitary body in proximity of the holding device; wherein
> the vibration device comprises a motor with a flywheel arranged eccentrically in relation to an axis of rotation; and
> the motor and flywheel are arranged within a protective sleeve, the protective sleeve being ***substantially enclosed within the head region*** of the unitary body, the motor and protective sleeve extending along the axis of rotation more than the protective sleeve extends perpendicular to the axis of rotation;
> wherein the energy store is at least partially located in the handle region; and
> wherein the handle region is ***angled*** relative to the head region.

Notably, claim 34 recites the handle of the present disclosure comprises a head region *angled* with respect to the handle region. Further, the motor and flywheel are substantially enclosed in the head region. As such, the present disclosure places the motor and flywheel on an

axis not parallel to that of the handle region. Particularly, the head region and handle region are defined as follows:

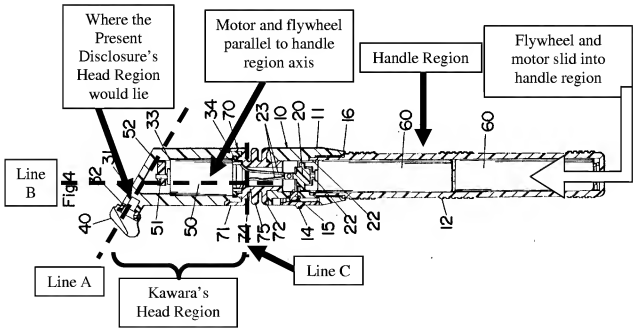
> The neck region 12 connecting the handle region 10 and the head region 14 to one another is ***at least partly tapered***, and ***preferably angled away*** somewhat, with respect to the handle region 10 and the head region 14, as can be seen from Figure 2a, showing the side view. The angle of the neck region 12 (defined by the axis of the motor) with respect to the handle region (defined by the axis of the battery) is between 10 degrees and 60 degrees . . .

(See the Specification, p. 26, lines 20-28). Figure 2a is provided below for reference:



As shown above, the head region 14 is angled (via the neck region 12) with respect to the handle region 10. Line A describes the axis of the motor and thus the axis of the head region 14 and neck region 12. Line B describes the axis of the battery and thus the axis of the handle region 10. Line C describes the approximate boundary of the neck region 12 and the handle region 10. The intersection of lines A and B describe a bend, such that the head region lies to the west and north of the bend. Although Kawara uses the same word "head" to describe the region in which the motor is located, as the Applicant uses to describe the region in which the motor of the present invention is located, Kawara does not define the head region that is *angled* with respect to the body, nor do Kawara's figures reflect this. Rather, Kawara discloses a portion of their "head" region that is angled relative to the handle portion; however, the motor is not, and cannot, be located in this region (as discussed further below).

As shown in Fig. 4 of Kawara below, the placement of the motor and flywheel in the handle region is along an axis parallel to that of the handle region. This facilitates Kawara's assembly process of sliding the motor and flywheel inside a can through the handle region. Notably, Line B on Fig. 4 *infra* illustrates the axis of the motor and the axis of the battery are the same, and therefore the axis of the area Kawara defines as the "head region" is not angled with respect to Kawara's handle region. Line A on Fig. 4 below demonstrates where the area the present disclosure defines as the "head region"; the present disclosure's "head region," as claimed, were it to exist on Kawara, would be the area left and below of the bend described by the intersection of Lines A and B. Quite clearly, the area the present disclosure defines as the "head region," which is angled relative to the handle region, which contains the motor and flywheel, is not the area Kawara defined as its "head region." Simply put, Kawara's "head region" is not angled with respect to the handle region, and does not contain the flywheel and motor. As such, there is no rationale for construing these two terms as defining the same region, especially in light of the manner of assembly of Kawara.



Kawara is advantageous in that Kawara provides a simplistic method of manufacture, allowing the motor and flywheel to be inserted through the bottom end of the handle region. This method and the benefit gained by Kawara's process would be undone if one were to try and

force a motor and flywheel through the end of the handle region of the present disclosure, only to find the motor and flywheel could not pass through to the present disclosure's angled "head region" with respect to the handle. Thus, there is no rationale for Kawara (in light of Kawara's manufacturing process) to modify Kawara's "head region" to that of the angled "head region" of the present disclosure, or to place the flywheel and the motor in an angled "head region" as defined by the present disclosure. To argue that there is a rationale is clearly using impermissible hindsight.

The deficiencies of Kawara are not cured by Althaus, Apprille and Stiles. None of the above-mentioned pieces of art provide a razor with the present disclosure's "head region" angled with respect to the handle region, with the flywheel and motor positioned in the present disclosure's angled "head region." Particularly, while both the present disclosure and Kawara each define a portion of the razor handle as the "head region," these regions do not have the same definition. Therefore, there is a clear structural difference between the present invention and the cited prior art. Accordingly, the present invention of claim 34 is not obvious in light of the prior art since the art, alone or in combination, does not disclose each and every claim recitation. Favorable reconsideration of claim 34 is requested.

Claims 36 and 42 depend from claim 34 and are therefore also not obvious in light of the cited prior art for at least the same reasons stated above in connection with claim 34. Favorable reconsideration of these claims is also respectfully requested.

Summary:

The Applicant has traversed all of the rejections of the Final Office Action through the above remarks. In light of the foregoing, it is respectfully requested that claims 34, 36, and 42 be allowed to issue as a patent.

No fees are believed to be due at this time, but if any deficiencies do exist, please charge them to Deposit Account (Account No. 504112). If the Examiner has any questions, please feel free to contact the Attorney of Record at the contact information provided below.

Respectfully submitted,

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